

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EXCALIBUR, S.A.,

Plaintiff, ORDER  
11-CV-4721(JS)(ETB)  
-against-

MALBER U.S.A., INC.,

Defendant.

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APPEARANCES

For Plaintiff: David J. Grech, Esq.  
Jonathan L. Scher, Esq.  
The Scher Law Firm, LLP  
1 Old Country Road, Suite 385  
Carle Place, NY 11514

For Defendant: No Appearances.

SEYBERT, District Judge:

Plaintiff Excalibur, S.A. sued Defendant Malber U.S.A., Inc. for, among other things, breach of contract. Defendant has not appeared or otherwise defended this suit, and Plaintiffs moved for a default judgment. On May 12, 2012, Magistrate Judge William D. Wall issued a Report and Recommendation ("R&R") recommending that Plaintiff be awarded \$200,875.75 plus costs. No objections were filed within the prescribed time.

Judge Wall's R&R is thorough, well-reasoned, and free of clear error. Accordingly, it is ADOPTED in its entirety. The Clerk of the Court is respectfully directed to enter judgment against Defendant and in favor of Plaintiff in the

amount of \$200,875.75 plus costs in the amount of \$350 for a total judgment of \$201,225.75. Plaintiff shall also be entitled to post-judgment interest calculated pursuant to 28 U.S.C. § 1961. The Clerk of the Court is further directed to mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: September 28, 2012  
Central Islip, New York